## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NANCY E. LEWEN :

: Civil Action No. 1:17-cv-148-SPB

Plaintiff,

:

V.

: Magistrate Judge Susan Paradise

PENNSYLVANIA SOLDIERS' AND : Baxter

SAILORS' HOME (PSSH), BARBARA

RAYMOND, PENNSYLVANIA :

DEPARTMENT OF MILITARY AND : VETERANS AFFAIRS, BRIGADIER :

GENERAL ANTHONY CARRELLI, :

PENNSYLVANIA STATE CIVIL SERVICE

COMMISSION, CHAIRMAN BRYAN R. : LENTZ, COMMISSSIONER ODELFA :

SMITH PRESTON AND COMMISSIONER :

GREGORY M. LANE, PENNSYLVANIA : DEPARTMENT OF LABOR AND :

INDUSTRY, UNEMPLOYMENT :

COMPENSATION BOARD OF REVIEW,

KATHY MANDERINO, SECRETARY,

THE PENNSYLVANIA BUREAU OF

PROFESSIONAL AND OCCUPATIONAL

AFFAIRS, PENNSSYLVANIA STATE

BOARD OF NURSING, SUZANNE

HENDRICKS, COMMITTEE MEMBER,

LINDA A. KERNS, COMMITTEE MEMBER

AND SHERRI LUCHS, COMMITTEE

**MEMBER** 

Defendant.

## RESPONSE TO MOTION FOR PRELIMINARY INJUNCTION

And now comes the Defendants, who file the within Response to Plaintiffs Motion for Preliminary Injunction, and set forth as follows:

At Docket number 40, Plaintiff has filed a Motion for Preliminary Injunction. In the

Motion, she asks this Court to interject itself into the licensing processes and procedures

of the Pennsylvania State Board of Nursing.(BON) She has requested that this Court

intercede in the BON process to have her "defamatory and unwarranted 'Discipline History' expunged from her Pennsylvania nursing license record" She makes this request citing no statutory authority, no defined right, no evidence of lack of process, and, most importantly, she misrepresents and/or misunderstands the status of the BON proceedings. The request is untimely and unsubstantiated, and the Court should decline to involve itself in the matter. Defendants adopt the arguments set forth in their brief in support of this Response

Respectfully submitted,

Attorneys for Defendants,

/s/Michael E Kennedy
Michael E Kennedy
Deputy Attorney General
PA ID 52780
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## **CERTIFICATEOF SERVICE**

I certify that a true and correct copy of this motion, the brief in support and the proposed court order were served upon the Plaintiff on November 17 2017, by first class US mail to her record address:

3342 west 12<sup>th</sup> street, Erie PA 16505.

Attorneys for Defendants, /s/Michael E Kennedy
Michael E Kennedy
Deputy Attorney General
PA ID 52780